



SO ORDERED,

*Katharine M. Samson*

Judge Katharine M. Samson  
United States Bankruptcy Judge  
Date Signed: October 9, 2018

The Order of the Court is set forth below. The docket reflects the date entered.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
GULFPORT-6 DIVISION

IN RE: ANNIE RACHEL MARTIN  
AKA ANNIE RACHEL WHEELER  
AKA ANNIE RACHEL MARTIN WHEELER

CASE NO.: 14-51682-KMS  
CHAPTER 13

AGREED ORDER

THIS CAUSE came on for consideration on the Motion for Relief from Automatic Stay and for Abandonment as to Debtor [doc. 54] filed by McCormick 105, LLC ("Movant") in the above styled case, and the Court has been advised that the parties have reached the following agreement:

While the Plan payments are current due to a recent suspension, (sjd)

1. Debtor is delinquent to Movant in post-petition mortgage payments ~~through~~ and is due for the October, 2017 payment. ~~October 2018 for the total amount of \$8,467.69.~~ TBG  
EC

2. The parties are in agreement that the Debtor shall be permitted to put the amount due to Movant ~~through October 2018 back into the plan to be paid over the life of the plan. In addition, the attorney's fees and costs incurred by Movant as a result of filing the Motion for Relief, in the amount of \$681.00 shall be added back into the plan to be paid to Movant as a separate claim over the life of the Plan. The Debtor's ongoing monthly post-petition mortgage payments owed to Movant will continue to be made inside the plan through the Trustee ~~and in connection with the Plan Payments which shall resume November 2018.~~ The Trustee shall~~ (sjd) JBS  
EC

amend the plan payments accordingly to reflect this agreed order, and the plan is hereby amended accordingly to reflect this agreed order.

3. Furthermore, in the event the Debtor fails to make any future regular installments due the Trustee such that any said payment is more than sixty (60) days delinquent, the automatic stay shall be lifted as to the Movant and/or Movant's successors, agents or representatives, the property, located at 829 BRADY ROAD, HATTIESBURG, MS 39401 and more fully described in Exhibit "A" attached hereto and made a part hereof, the property shall be abandoned from the bankruptcy estate, and Movant and/or Movant's successors, agents or representatives may likewise commence foreclosure proceedings or such as to the property  
(KMS)  
other proceedings as may be authorized by its Note and Deed of Trust upon proper ten (10) day notice of default. Partial payments made by the Debtor on future defaults may be kept and applied by Movant without the necessity of filing a new notice of default. Only full cure of future defaults will prevent the lifting of the automatic stay as provided for in this order.  
approved  
Additionally, Movant shall be reimbursed for any fees and costs incurred as a result of filing a proper notice of default.

4. In the case of cure of default and occurrence of subsequent defaults, Movant shall only send three (3) additional Notice of Defaults; if a fourth (4) default occurs, the stay will automatically lift without further order of the Court, and Movant will file a Notice of Termination of the Automatic Stay so that all interested/affected parties are provided notice of the lift of said stay; upon filing of the Notice of Termination of the Automatic Stay, the property shall also be deemed abandoned from the bankruptcy estate and the Movant may pursue its state law remedies as to the property.  
(KMS)

(sjd)  
JBG

EC

5. Further, should this case be dismissed on motion of the Trustee, or due to any of the grounds specified in Section 109(g)(1) &(2) the Bankruptcy Code, the automatic stay as to Movant shall lift simultaneously with entry of the Order of Dismissal.

6. The fourteen (14) day stay described by Bankruptcy Rule 4001(a)(3) is waived.

Entry of this order shall constitute the entry of final judgment pursuant to Bankruptcy Rule 9021 and Rule 58 of the Federal Rules of Civil Procedure and shall be applicable to any ~~subsequent cases filed by the Debtor in this Court~~ conversion of this case to (KMS) any other Chapter under the Bankruptcy Code.

**##END OF ORDER##**

APPROVED

/s/ Elizabeth Crowell  
Elizabeth Crowell  
Attorney for Movant

  
J Brett Gardner, Attorney  
Attorney for Debtor

/s/ Samuel J. Duncan  
J. C. Bell T1, Trustee 14-51682  
Or Attorney for Trustee

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EXHIBIT A

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Parcel No. 3:

A part of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 27, T-4-N, R-13-W, Forrest County, Mississippi, and more particularly described as follows, to-wit: Commencing at the Northwest corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said section, township and range, and thence run South for a distance of 394 feet to J. P. Bradley's property line fence, run thence North 85° 40' East along the property line fence for a distance of 412 feet to the point of beginning, run thence South 12° 35' East for a distance of 321.2 feet, run thence West for a distance of 487 feet, run thence South for a distance 30 feet, run thence East for a distance of 569 feet along the North boundary of Johnson Subdivision, run thence North for a distance of 311.9 feet, run thence North 64° 50' West for a distance of 86.9 feet, run thence North 83° 15' West for a distance of 1.3 acres, more or less.

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*ARM.*